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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/483,445 01/14/00 CLEVELAND

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EXAMINER

HARRISON, C

ART UNIT

PAPER NUMBER

2672

DATE MAILED:

09/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/483,445

Applicant(s)

CLEVELAND, DIANNA L

Examiner

Chante Harrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 January 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 45-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) 2, 5-6, 10, 12-13, 17, 21-23, 33, 36, 41 and 44 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

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DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 2/15/00 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-4, 7, 9, 11, 15-16, 19-20, 24, 28-32, 34-35, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panec, U.S. Patent 5,947,693.

As per independent claim 1, Panec discloses text for the dialogue of a character presented in a first indicia throughout the presentation (FIG. 1; col. 5, ll. 15 et seq.), and text for the dialogue of a character presented in a different indicia throughout the presentation (FIG. 1; col. 5, ll. 15 et seq.), but fails to disclose text indicia differing for different characters. However it would have been obvious to one of skill in the art to vary the text indicia as the characters vary because Panec discloses alternating readers for the multiple characters throughout the story (col. 3, ll. 38 et seq.; FIGS. 2-4).

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As per dependent claims 3 and 18, Panec discloses the first and second indicia comprise different colors (col. 5, ll. 15 et seq.).

As per dependent claim 4, Panec discloses the indicia comprises one of a font size or style (col. 5, ll. 15 et seq.).

As per dependent claim 7, Panec discloses the text material is presented on paper (col. 4, ll. 26 et seq.; FIG. 1).

As per dependent claim 9, Panec discloses selecting indicia to enhance the ease of reading (col. 5, ll. 15 et seq.).

As per dependent claim 11, Panec discloses the text is presented on a page having symbols representing the reading level associated with one of the indicia and characters on the page (col. 5, ll. 36 et seq.).

As per independent claim 16, Panec discloses text for a first character in a first reading level (FIG. 1 '18a') and presented in a first indicia for the portion of text for that character (FIG. 1 '22'; col. 5, ll. 15 et seq.) and text for a second character presented in a second reading level (FIG. 3) and second indicia (col. 5, ll. 15 et seq.). It would have been obvious to one of skill to use the disclosure of Panec because he discloses alternating both the reading level and indicia of text displayed for each character.

As per dependent claim 20, Panec discloses writing text at a plurality of different reading levels, with the presented text being selected from one of the plurality of written text (col. 4, ll. 26 et seq.).

As per dependent claim 24, Panec discloses presenting reading material on a page (FIG. 2), and placing indicia on a page that identifies the reading level associated with the text on the page (FIG. 2 '22'; col. 5, ll. 36 et seq.).

As per dependent claim 28, Panec discloses reading material produced according to the method of claim 16 (col. 4, ll. 26 et seq.).

As per dependent claim 29, Panec discloses reading material produced according to the method of claim 18 (col. 4, ll. 26 et seq.).

As per independent claim 30, Panec discloses selecting a reading level for particular readers of a plurality of characters (col. 3, ll. 11 et seq.; FIGS. 1 & 3) and present the dialogue for each character in unique indicia throughout the dialogue (col. 5, ll. 15 et seq.). It would have been obvious to one of skill in the art to use the disclosure of Panec because he teaches providing multiple reading levels and indicia for text for a single character.

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As per dependent claim 31, Panec discloses the dialogue of one character is in a larger font than the text for other characters (col. 5, ll. 15 et seq.; FIGS. 2 '18b' & 3).

As per dependent claim 32, Panec discloses the dialogue of one character is presented in a different font (col. 5, ll. 15 et seq.).

As per dependent claim 34, Panec discloses a different color is used as indicia to distinguish the dialogue of characters (col. 5, ll. 15 et seq.).

As per dependent claim 35, Panec discloses the dialogue of one character is presented in a different color to distinguish it from other characters (col. 5, ll. 15 et seq.).

As per dependent claims 15, 19 and 38, Panec discloses dialogue for a plurality of characters being selected from a plurality of dialogues at different reading levels, with the reading level selected according to the reader's ability (col. 4, ll. 26 et seq.).

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Claims 8, 14, 25-27, 37, 39, 40 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Panec, U.S. Patent 5,947,693, 9/1999, 434/178 and further in view of Huffman et al., U.S. Patent 5,661,635, 8/1997, 345/901.

As per dependent claims 8 and 25, Panec fails to disclose text material presented on computer controlled electronic display, which is Huffman discloses (FIGS. 2 & 3). It would have been obvious to combine the disclosure of Huffman with Panec to provide text on an electronic display because Huffman teaches storing and inputting text data into a processor for selective manipulation and display (col. 5, ll. 20 et seq.).

As per dependent claims 14, 26, 27 and 37, Panec fails to disclose cues adjacent a plurality of dialogue to provide one of voice inflection, character demeanor and character action, which is disclosed by Huffman (col. 7-8, ll. 61-8). It would have been obvious to combine the disclosure of Huffman with that of Panec because Huffman discloses inputting book data into a processor and providing an interface to manipulate and control the display of the book data (FIGS. 2 & 3).

As per independent claim 39, Panec discloses inputting data related to reading levels of a plurality of readers (col. 3, ll. 11 et seq.; FIGS. 1 & 3), selecting text for a first character appropriate for the reading level of the first reader assigned to the first character, selecting text for a second character appropriate for the reading level of the second reader assigned to the second character, presenting the selected text in unique

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indicia for the assigned readers for a portion of the dialogue (col. 5, ll. 15 et seq.).

Panec fails to disclose a processor to receive input data and selecting the respective text, which is disclosed by Huffman (col. 5, ll. 22 et seq.; col. 13, ll. 55 -67). It would have been obvious to one of skill in the art to combine the disclosures of Panec with that of Huffman because Huffman teaches inputting text and graphical data into an electronic book having an interface for allowing user manipulation of displayed book data.

As per dependent claim 40, Panec discloses accessing the same dialogue written in different reading levels (col. 4, ll. 26 et seq.), but fails to disclose using a processor to access data. However it would have been obvious to combine the disclosure of Panec with Huffman who discloses a processor for accessing book data (col. 7, ll. 23 et seq.) because Huffman teaches providing a customized dictionary to emphasize text (col. 5, ll. 50 et seq.; col. 7, ll. 61 et seq.).

As per dependent claim 42, Panec discloses applying indicia to text for one of the characters to distinguish the text from text assigned to other characters (col. 5, ll. 15 et seq.; FIGS. 1 & 3), and Huffman discloses applying indicia to text (col. 11, ll. 9 et seq.), but fails to disclose distinguishing text indicia of differing characters. However it would have been obvious to combine the disclosure of Huffman with Panec because Huffman discloses two independently operable touchscreens that can each display a book and change the font of the differing material (col. 5, ll. 33 et seq.).

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As per dependent claim 43, Panec discloses the indicia is color (col. 5, ll. 19-24) as does Huffman (col. 13, ll. 55 et seq.).

Claims 2, 5-6, 10, 12-13, 17, 21-23, 33, 36, 41 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Chante Harrison** whose telephone number is **(703) 305-3937**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at **(703) 305-4713**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



**MATTHEW LUU
PRIMARY EXAMINER**